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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,917	11/03/2003	Serafim Felix Da Silva	205/1/010	3892

170 7590 01/09/2007
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EXAMINER

FRANTZ, JESSICA L

ART UNIT	PAPER NUMBER
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3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,917

Applicant(s)

SILVA, SERAFIM FELIX DA

Examiner

Jessica L. Frantz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-16 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - On page 3, line 25 “the lower storage reservoir 5” should be changed to “the lower storage reservoir 10”
 - On page 4, line 19 “with a filter 13” should be changed to “with a filter 13a and 13b”
 - On page 5, lines 9 the reference numerals 21a and 21b used to designate the lever have been previously used to designate the guide shafts.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is not written in a proper sentence format and for the purpose of examination has been taken to read as follows “A pump system as recited in claim 11 wherein there is a plurality of said exhaust valves associated with each of said transfer vessels.”

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Keithly 1,260,204. Keithly teaches the invention substantially as claimed including a pump system for providing a pressurized liquid comprising an elevated supply reservoir 10, 11, 12 of a liquid at a first pressure; at least one pair of vertically reciprocating liquid transfer vessels 24, each of said transfer vessels 24 having a force transfer assembly 23, 37, 22, 21 operatively associated with it that transfers downward force into upward force as shown in figure 1 where the downward force of the leftmost vessel 24 is transferred to an upward force on the rightmost rod member 37; and a liquid pump 30 operatively associated with said force transfer assembly 23, 37, 22, 21 for delivering liquid at a second pressure that is greater than said first pressure; and a storage reservoir 29, 29', 32 below said supply reservoir 10, 11, 12 for receiving liquid from said supply reservoir 10, 11, 12 and delivering said liquid to each of said liquid pumps 30, said supply reservoir 10, 11, 12 being adapted to supply said liquid to said transfer vessels 24 under gravity flow see page 1, lines 100-112, and said liquid applied to said transfer vessels 24 providing said downward force see page 1, lines 100-112. Keithly further teaches the first pressure is atmospheric pressure as depicted in figure 2 where

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a portion 12 of the supply reservoir 10, 11, 12 is open to the atmosphere, and the pair of transfer vessels 24 is adapted to alternately raise and lower. Furthermore, Keithly discloses a transfer vessel elevation assembly 21, 22, 23 for alternately raising one of said pair of transfer vessels 24 while the other of said pair of transfer vessels 24 descends and that each liquid pump 30 comprises a vertical stroke, single-action pump 38. Also, Keithly discloses that an upward vertical stroke of said pump 30 delivers said liquid at a second pressure that is greater than said first pressure and the supply reservoir 10, 11, 12 comprises a plurality of dispensing valves 18, 19, 20, one dispensing valve located in each bucket 12 of supply reservoir 10, 11, 12, in liquid communication with said supply reservoir 10, 11, 12 and controlling outflow of said liquid from said supply reservoir 10, 11, 12. Keithly further teaches that the dispensing valves 18, 19, 20 correspond in number to the number of said transfer vessels 24 as shown in figure 1 and each of said transfer vessels 24 comprises at least one exhaust valve 26, 27 in liquid communication with the interior of said transfer vessel 24 and controlling outflow of said liquid from said vessel 24.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keithly 1,260,204. Keithly teaches the claimed invention as discussed above but in regards to claim 12, fails to teach a plurality of exhaust valves are associated with each transfer vessel. However, it has been held that in *In re Harza* that "meré duplication of parts has no patentable significance unless a new and unexpected result is produced" MPEP 2144.04 B. In regards to claims 13-16, since Keithly has the same structure as the claimed invention, it would have been obvious to one of ordinary skill in the art at the time of the invention to have concluded that Keithly's apparatus will perform the same method steps as being claimed by the present invention.

Allowable Subject Matter

8. Claims 2 and 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Frantz whose telephone number is 571-272-5822. The examiner can normally be reached on Monday through Friday 8:30a.m.-5:00p.m. E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571)272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jessica Trantz

JF 1/4/07

Michael Kocz
MICHAEL KOCZO
PRIMARY EXAMINER
TC 3746